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PATENT

FEB 23 2006

Attorney Reference Number 6616-72693-06
Application Number 10/554,386

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Clendennen *et al.*

Application No. 10/554,386

Filed: October 25, 2005

Confirmation No.

For: GENES UPREGULATED IN A TOMATO
PLANT HAVING AN INCREASED
ANTHOCYANIN CONTENT
PHENOTYPE

Examiner:

Art Unit:

Attorney Reference No. 6616-72693-06

PRELIMINARY AMENDMENT

Prior to examination, please amend the specification as follows:

Please insert the following paragraph at the top of page 1, immediately following the title:

CROSS-REFERENCE TO RELATED APPLICATIONS

This is the § 371 U.S. National Stage of International Application No. PCT/US2004/012826, filed on April 26, 2004, which in turn claims the benefit of U.S. Provisional Patent Application No. 60/465,605, filed April 25, 2003, which is hereby incorporated by reference.

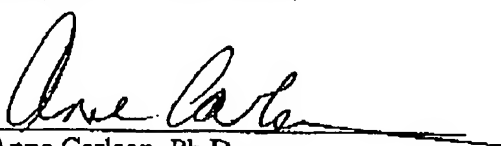
REMARKS

By this amendment, the specification has been changed to reflect prior related applications. No new matter has been added by this amendment.

Respectfully submitted,

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23 FEB 2006

Fax No.: (571) 273-8300

Total No. Pages: 2 including this cover sheet

Message: Transmitted herewith for filing in the below-identified application is a Preliminary Amendment. If you do not receive all pages or if you have problems receiving transmittal, please call Garrett Hinesley at (503) 595-5300.

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CERTIFICATE OF FACSIMILE

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being facsimile transmitted to fax number (571) 273-8300 on the date shown below.

Attorney or Agent
for Applicant(s)

Anne Carlson

Date Transmitted February 23, 2006

TRANSMITTAL LETTER

- ☒ No additional fee is required.
- ☒ Please charge any fees that may be required in connection with filing of this Preliminary Amendment to Deposit Account 02-4550.
- ☒ If the Patent and Trademark Office determines that this amendment results in an additional application size fee for pages in excess of 100, please charge the fee to Deposit Account No. 02-4550.

Respectfully submitted,

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cc: Docketing